

IN RE: APPLICATION S.N. 09/233,860  
HUTCHINSON ET AL.  
RESPONSE TO MAY 8, 2001 OFFICE ACTION

is a Second Substitute Appeal Brief which in which the various defects alleged in the Office Action have been remedied.

According to the Office Action, the Substitute Appeal Brief did not contain a statement of the status of all the claims pending or canceled and identify the claims appealed as required by 37 C.F.R. § 1.192(c)(3). In particular, the statement that "[c]laims 1-3, 5-8, 9-13, and 15-24 are pending in the application" was in error, in that it does not reflect the prior cancellation of claim 17. This inaccuracy is corrected in the Second Substitute Appeal Brief.

The Office Action further alleges that the Appeal Brief did not contain a concise statement of the issues presented for appeal as required by 37 C.F.R. § 1.192(c)(6). In particular, the articulation of the issue "[a]re claims 1-3, 5-8, 9-13, and 15-24 properly rejected" was a misstatement, in that it does also not reflect the prior cancellation of claim 17. This inaccuracy is likewise corrected in the Second Substitute Appeal Brief.

Finally, the Office Action noted a typographical error in the copy of claim 2 appended as Appendix A to the Substitute Appeal Brief. This error has been corrected in the Second Substitute Appeal Brief.

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CONCLUSION

In view of the foregoing, it is believed that the Second Substitute Appeal Brief is fully compliant with all provisions of 37 C.F.R. § 1.192. Reconsideration is respectfully requested, such that the appeal proceedings may proceed.

Respectfully submitted,

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